

Aug. 26, 2022

Mark Wlaschin Deputy Secretary for Elections Office of the Secretary of State, Elections Division 101 North Carson Street, Suite 3 Carson City, Nevada 89701

Mr. Wlaschin,

My name is Julie Hochsztein, and I am a Policy Fellow at the Campaign Legal Center, a non-partisan, non-profit organization that works to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education.

I speak today on the dangers of hand-counting of paper ballots in Nevada. Handcounting ballots would inevitably result in significant delays in vote counting, processing and reporting of election results. This can fuel harmful rhetoric among candidates and public figures that undermines the perceived legitimacy of the electoral system. Bad faith actors can capitalize on voters' expectation that election results will be released quickly by arguing that any delay is suspicious and evidence of election fraud—with no basis other than the delay caused by manual counting.

We understand that in close races, it may not be possible to project or report results until every ballot has been counted. But in every case, accuracy is more important than speed. Hand-counting ballots is neither accurate nor fast. As you saw in the July primary, counting just 317 ballots by hand in Esmeralda County took seven hours. And that was just a tiny fraction of the votes that can be expected in Nye County in the general election this November.

County election officials have numerous important administrative duties in the days immediately following Election Day, including canvassing and certifying election results. A hand counting requirement would not only delay the reporting of results, but would also be severely disruptive to county officials' ability to fulfill their critical responsibility to conduct the election securely and accurately.

The State already has tools that ensure the accuracy of its elections, including postelection audits. Counties are already required to hand-check randomly selected voting machines to ensure that the paper record matches the vote total that was reported. And Nevada has implemented a pilot program utilizing Risk Limiting Audits, a statistical technique to determine, based on factors like a county's size and the election's closeness, how many ballots must be audited to achieve confidence in the election's outcome.

In a democracy, voters choose their leaders and voters decide election outcomes. Every policy and practice in place before and after ballots are cast must be in pursuit of this basic democratic value. Thank you.